

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3867, SMALL BUSINESS CONTRACTING PROGRAM IMPROVEMENTS ACT

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 3867.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CJ'S HOME PROTECTION ACT OF 2007

Mr. DONNELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2787) to amend the National Manufactured Housing Construction and Safety Standards Act of 1974 to require that weather radios be installed in all manufactured homes manufactured or sold in the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "CJ's Home Protection Act of 2007".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) nearly 20,000,000 Americans live in manufactured homes, which often provide a more accessible and affordable way for many families to buy their own homes;

(2) manufactured housing plays a vital role in providing housing for low- and moderate-income families in the United States;

(3) NOAA Weather Radio (NWR) is a nationwide network of radio stations broadcasting continuous weather information directly from a nearby National Weather Service (NWS) office, and broadcasts NWS warnings, watches, forecasts, and other all-hazard information 24 hours a day;

(4) the operators of manufactured housing communities should be encouraged to provide a safe place of shelter for community residents or a plan for the evacuation of community residents to a safe place of shelter within a reasonable distance of the community for use by community residents in times of severe weather, including tornados and high winds, and local municipalities should be encouraged to require approval of these plans;

(5) the operators of manufactured housing communities should be encouraged to provide a written reminder semiannually to all owners of manufactured homes in the manufactured housing community to replace the batteries in their weather radios; and

(6) weather radio manufacturers should include, in the packaging of weather radios, a written reminder to replace the batteries twice each year and written instructions on how to do so.

SEC. 3. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARD.

Section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5403) is amended by adding at the end the following new subsection:

"(i) WEATHER RADIOS.—

"(1) CONSTRUCTION AND SAFETY STANDARD.—The Federal manufactured home construction and safety standards established by the Secretary under this section shall require that each manufactured home delivered for sale shall be supplied with a weather radio inside the manufactured home that—

"(A) is capable of broadcasting emergency information relating to local weather conditions;

"(B) is equipped with a tone alarm;

"(C) is equipped with Specific Alert Message Encoding, or SAME technology; and

"(D) complies with Consumer Electronics Association (CEA) Standard 2009-A (or current revision thereof) Performance Specification for Public Alert Receivers.

"(2) LIABILITY PROTECTIONS.—No aspect of the function, operation, performance, capabilities, or utilization of the weather radio required under this subsection, or any instructions related thereto, shall be subject to the requirements of section 613 or 615 or any regulations promulgated by the Secretary pursuant to the authority under such sections."

SEC. 4. ESTABLISHMENT.

Not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the consensus committee established pursuant to section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5304(a)(3)) shall develop and submit to the Secretary of Housing and Urban Development a proposed Federal manufactured home construction and safety standard required under section 604(i) of such Act (as added by the amendment made by section 3 of this Act). Notwithstanding section 604(a)(5)(B) of such Act, the Secretary of Housing and Urban Development shall issue a final order promulgating the standard required by such section 604(i) not later than the expiration of the 90-day period beginning upon receipt by the Secretary of the proposed standard developed and submitted by the consensus committee.

SEC. 5. STUDY.

The Secretary of Housing and Urban Development shall conduct a study regarding conditioning the applicability of the requirement under the amendment made by section 3 of this Act (relating to supplying weather radios in manufactured homes) on the geographic location at which a manufactured home is placed, but only to the extent that such requirement applies to new manufactured homes and new site-built homes. In conducting such study and making determinations under the study, the Secretary shall take into consideration severe weather conditions, such as high winds and flooding, and wind zones and other severe weather data available from the National Weather Service. Not later than the expiration of the 18-month period beginning on the date of the enactment of this Act, the Secretary shall complete the study and submit a report regarding the results of the study to the Committee on Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. DONNELLY) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DONNELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2787, CJ's Home Protection Act of 2007, introduced by my colleague and friend from Indiana (Mr. ELLSWORTH). H.R. 2787 would require that weather radios be installed in all new manufactured homes manufactured or sold in the United States.

Mr. Speaker, this legislation passed the Financial Services Committee unanimously on September 18 of this year. It would ensure that manufactured homes continue to provide the highest level of safety to their residents in the event of devastating weather conditions, such as hurricanes and tornadoes, which many regions of the country, including my home State of Indiana, are all too familiar with.

In Indiana, and in my congressional district, we have a proud and a strong tradition of providing first-class manufactured housing for Americans and providing quality jobs for Hoosiers. Manufactured homes house 22 million people in over 10.5 million homes. These manufactured homes have continued a tradition of quality and safe construction over the years. They present a high-quality, affordable housing option for families, and will continue to do so for years to come.

Mr. Speaker, this is a thoughtful and deeply personal piece of legislation, and I commend Mr. ELLSWORTH for working together with manufacturers and advocates alike to craft a bill in H.R. 2787 that works for everybody. I urge Members to vote in favor of this legislation.

Mr. Speaker, I am glad to yield such time as he may consume to the gentleman from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. I would like to thank the gentleman, my good friend from Indiana (Mr. DONNELLY).

Mr. Speaker, I rise today in support of CJ's Home Protection Act. Nearly 2 years ago, a killer F3 tornado struck my district in southwest Indiana. The tornado hit a manufactured housing community after most people had gone to bed on a Saturday night, and it took the lives of 25 Hoosiers, 20 in my county and five in Warrick County next door, lives that might have been saved if the victims knew a storm was approaching.

CJ Martin, an energetic, smiling 2-year-old boy, was one of the victims that night. He and the other 24 victims are the reason I am here today, as well as the victims who have suffered the same across our country. His picture is a reminder of the destruction that comes to families and communities when severe weather strikes without warning.

Mr. Speaker, I was the sheriff of the county back in 2005, and I oversaw the recovery effort in the wake of this storm. The picture doesn't do it justice. The horror and devastation the storm left behind is something I will remember for the rest of my life. That is why this bill is so important to me.

I met Kathryn Martin, CJ's mother, right after the storm, and in the months afterwards she took that pain and suffering and turned it into an effort to pass this same legislation in the State of Indiana, which she was successful in doing.

□ 1415

Kathryn was successful in getting the bill passed, and because of the awareness she raised about weather radios, the people in my hometown of Evansville, Indiana, have the most weather radios in households per capita.

When I met Kathryn, I promised her that if I ever got to Congress, I would introduce a Federal bill that did the same thing she was trying to push in our State. This bill before us today fulfills that promise. CJ's Home Protection Act amends the Federal Manufactured Home Construction and Safety Standard to require that each manufactured home delivered for sale shall be supplied with a weather radio inside the manufactured home.

One might ask, not every area in this country suffers tornadoes. You are right about that. A tornado took CJ's life, but it could have just as easily been a fire like in California, flash flooding and even tsunamis. An added bonus of this bill would be that weather radios are also used to put out AMBER alerts.

The radio must be capable of broadcasting emergency information related to local weather conditions, equipped with a tone alarm and specific alert message encoding, and comply with Consumer Electronics Association standards for public receivers.

Like a smoke detector, these inexpensive devices can provide families with the warning they need to take action and protect themselves when severe weather strikes. This bill is about improving public safety, plain and simple. It is not about demonizing the manufactured housing industry. Kathryn and John Martin and the other residents of this community love their homes, and the manufactured homes provide affordable, high-quality homes for thousands of American families.

In fact, when my wife Beth and I were first married, we agreed to buy a manufactured home as our first home. Unfortunately, the manufactured housing park told us we were too young to move there so we had to make other arrangements.

I continue to be a strong supporter of manufactured housing. I see this legislation as adding one more feature to enhance the safety features of these structures. This bill is sponsored by the American Red Cross, the Inter-

national Association of Firefighters, and the Michigan Committee for Severe Weather Awareness.

Before I close, I want to thank the chairman of this committee, BARNEY FRANK, SPENCER BACHUS, Congressman DENNIS MOORE and Congresswoman KAY GRANGER for their support and being supporters of this bill, as well as Congressman JOE DONNELLY. I would also like to thank my staff for their tireless work on this effort.

Severe weather does not distinguish between Republicans and Democrats. It doesn't care whether you live in Indiana, California, Alabama, or Kansas. This is public safety legislation, and for a mere \$30 to \$80, we can perhaps save the next 2-year-old boy from this type of devastation.

Mr. DONNELLY. Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I rise in strong support of CJ's Home Protection Act of 2007.

Congressman ELLSWORTH said a picture is worth a thousand words, and he held up a picture of CJ Martin. When the Congressman brought CJ's mother, Kathryn Martin, to my office, he brought that picture with him. It brought back memories to me of another picture, of not a little boy but of a little girl, and I have that picture with me today.

This is a picture of Whitney Crowder. Now, unlike CJ, I am happy to say that today she is an eighth grader in a Tuscaloosa city school. She is doing well, but she has had a lot to overcome. Just like CJ, she and her family lived in manufactured housing.

Let me tell you, manufactured housing in the South has replaced a lot of substandard housing. It provides affordable housing for a lot of Alabamians. As many as one out of five Alabamians lives in a manufactured house. It is affordable. It is clean, and it provides a very good home.

Whitney was living in one of these manufactured houses. An alert went out that said a tornado was 30 miles off. She had approximately 20 minutes; but the TV wasn't on. She didn't have a weather alert radio. And although the TV stations were able to track that storm and to tell within a quarter mile where it was going and when it would arrive there, she and her grandmother and the rest of her family didn't have the TV on. Some people say why don't you require these in cars. Why just manufactured housing? Well, in fact studies show when people are in cars they have the radio on and more often than not they receive an alert.

But as is the case in Alabama with this storm and another storm that took 32 lives a few years before that, people were asleep. I think the Martins were asleep. They had no idea that a killer tornado was bearing down on them, even though warnings were going out.

As I said, although I am happy to say that Whitney survived the tornado, her brother Wesley, 16-month-old, and her father did not. They were killed.

We have come to a time in our country where we really have no excuse not to do the few elementary things we can do to prevent the death or at least lessen the likelihood of the death of CJ Martin in Indiana or Wesley Crowder and his dad, Whitney's father, in Alabama. Technology today in an F-5 or F-4 storm gives 30 to 40 minutes' warning. With that warning you only need two things: You need shelter from the storm, you need a place to go, and you need to receive that warning.

Now, in 2003 this Congress passed the Tornado Shelters Act, which allows communities to use community block grant money to build shelters, a shelter from the storm, a shelter that could exist for the Martins or the Crowder family, and a mobile community.

I am happy to report in my district, the Sixth Congressional District of Alabama, we now have six of these shelters in or near manufactured housing communities. But people don't have to go to those. If they are in manufactured housing, they can go to a nearby building with a basement or interior room. Manufactured housing, a mobile home as some of us call them, they don't have basements and interior rooms. It is not wrong; it is just something they are not designed to have. But there are permanent structures nearby, whether it be a school, a tornado shelter that we authorized in 2003, or maybe even their parents' house. The Crowders had an aunt and uncle that lived only about 400 yards away in a site-built house with a basement. They would have been safe from that storm. The technology was there to warn them. The shelter was there to receive them, but there was no weather radio.

Now, what's the cost of a radio? Some people have talked about the cost that you are imposing, although the manufactured housing industry as far as I know has said they support this bill. Well, Wal-Mart just came out with a weather radio for \$12. So that's the cost if you buy them in bulk. You can put them in for \$12 in a mobile home, manufactured housing, \$12. What is the cost of not acting? For the Crowder family there are all sorts of costs. The greatest cost was the loss of two individuals, a little 16-month-old boy, Whitney's little brother, and her father. Also the cost to Whitney and her mother and the 12 other people injured by this storm. The cost was several million dollars in health care costs.

Now, we are not here to save money; we are here to save lives. But this bill will not only save lives; it will save money. A killer tornado like this hit Oak Grove at night, and among the things it did was paralyze a man. That man is still paralyzed to this day and his cost of treatment is, as we all know, hundreds of thousands of dollars a year. One radio in that gentleman's manufactured housing home could have saved him a life of paralysis. But, instead, it took 30 lives and denied him mobility for the rest of his life.

As the Congressman from Indiana said, this is not about Republicans or Democrats. There are certain things we ought to say, it is time to do this; and technology has reached that time. When 40 percent to 50 percent to sometimes as many as 60 percent of the deaths every year from these killer tornadoes are in mobile homes, manufactured housing, and families live in these houses, whether they be our grandparents, our parents, our children, our neighbors, our loved ones, or people we don't even know, you see the devastation here. There were site-built homes here. This is a manufactured house. Twenty-seven manufactured housing units in this area, a mobile home community, no longer existed.

As the gentleman from Indiana said, looking at this picture really doesn't do it justice. People actually commented when they came upon this area which was about half a mile long and 400 yards wide, it looked like a garbage dump. You couldn't tell there had been a community there. It looked like there were a few junk cars because the cars were rolled over and over.

We can rebuild these communities; but CJ, we can't bring him back. We can't bring Whitney's little brother and father back, but we can do our best for literally pennies to prevent some of these deaths.

I think that is why 55 TV stations throughout this Nation have made this their cause. They visited us in Washington last year. They said, Look, we will get the warning out and there are shelters available. But please require the installation of a \$12 radio so we can bridge that gap between warning and safe shelter.

That is what we are here to do today. In this House where we sometimes are in conflict and at loggerheads, can't we this time come together in a united way in an effort that will cost almost nothing and which the manufactured housing industry said we are willing to do this, and require these radios. And not only when a tornado comes or when a devastating flood comes like came to Texas and people were asleep in a mobile home community and several of those homes were swept away. This will save lives.

So I commend CJ Martin's mother. That's what America is about, someone saying I lost my son but I don't want it to happen again. It is about the Crowder family who wrote me a letter, a grandmother saying please push this bill.

We will never go back and know whether CJ could have survived had this legislation been passed. We will never know whether Wesley Crowder and his father would survive, but we do know by talking to people throughout the United States that these radios have in many, many cases already saved lives and will save lives if we install them in manufactured housing.

□ 1430

We have a shot at significantly reducing over half the deaths from tor-

nados simply by taking the step together united, Republicans and Democrats, and passing this legislation.

I commend Chairman FRANK for expeditiously moving this legislation, and I commend the Member from Indiana for his thoughtfulness and his care and dedication to this issue.

Mr. DONNELLY. Mr. Speaker, I want to thank the ranking member for his thoughtful and eloquent remarks; Congressman ELLSWORTH for his tireless effort on behalf of this, and the manufactured housing industry for their assistance.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. DONNELLY) that the House suspend the rules and pass the bill, H.R. 2787, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROCEDURAL FAIRNESS FOR SEPTEMBER 11 VICTIMS ACT OF 2007

Mr. NADLER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2106) to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Procedural Fairness for September 11 Victims Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The September 11th Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) establishes a Federal cause of action in the United States District Court for the Southern District of New York as the exclusive remedy for damages arising out of the hijacking and subsequent crash of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001.

(2) Rules 45(b)(2) and 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure effectively limit service of a subpoena to any place within, or within 100 miles of, the district of the court by which it is issued, unless a statute of the United States expressly provides that the court, upon proper application and cause shown, may authorize the service of a subpoena at any other place.

(3) Litigating a Federal cause of action under the September 11 Victims Compensation Fund of 2001 is likely to involve the testimony and the production of other documents and tangible things by a substantial number of witnesses, many of whom may not reside, be employed, or regularly transact business in, or within 100 miles of, the Southern District of New York.

SEC. 3. NATIONWIDE SUBPOENAS.

Section 408(b) of the September 11 Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following:

"(4) NATIONWIDE SUBPOENAS.—

"(A) IN GENERAL.—A subpoena requiring the attendance of a witness at trial or a hearing conducted under this section may be served at any place in the United States.

"(B) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to diminish the authority of a court to quash or modify a subpoena for the reasons provided in clause (i), (iii), or (iv) of subparagraph (A) or subparagraph (B) of rule 45(c)(3) of the Federal Rules of Civil Procedure."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2106, the Procedural Fairness for September 11 Victims Act of 2007. This bill is substantially identical to H.R. 3921, a bill that the House Judiciary Committee reported by voice vote without amendment on October 24.

This legislation would provide immediate procedural relief to the victims of the terrorist attacks of September 11, 2001, by implementing a technical fix to a bill that this Congress passed in the wake of those horrible events.

Eleven days after the September 11 attacks, we passed comprehensive legislation, the Transportation and Systems Stabilization Act. That Act, among other things, created a Victims Compensation Fund to provide relief for victims without the need for litigation. It also allowed victims to opt-out of the fund and seek relief in court.

The bill limited jurisdiction over any civil litigation to the United States District Court for the Southern District of New York.

An unintended consequence of our actions, under operation of the Federal Rules of Civil Procedure, was that subpoena power to secure testimony or documents from nonparty witnesses to any litigation has generally been limited to persons and documents located within 100 miles of the Southern District of New York.

The law we passed in 2001 did not take this 100-mile rule into account. Unfortunately, many of the events relevant to the September 11 tragedy occurred in Boston, where American Airlines Flight 11 and United Airlines Flight 175 originated, and in the Washington, DC, area where the Pentagon is